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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,069	12/27/2001	Donald D. LaNeve	W1200-00038	9444

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DUANE MORRIS, LLP
IP DEPARTMENT
ONE LIBERTY PLACE
PHILADELPHIA, PA 19103-7396

EXAMINER

HOTALING, JOHN M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/034,069	Applicant(s) LANEVE, DONALD D. <i>ew</i>	
	Examiner John M Hotaling II	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-17,27-34 and 38-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-17,27-34 and 38-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/15/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-17, 27-34, and 38-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner US Patent 6,099,409 in view of Cannon et al US Patent 6,652,378. Brenner teaches a system and method for interactive off track wagering where odds, pools, and payoff amounts may be viewed for a variety of complex wager types (Abstract). Brenner also details that any various views for probable payout information on complex wagers such as exacta and trifecta can be provided to a user (13:30-14:21). Column 7:25-55 of Brenner discloses that there is a graphical user interface where the player is able to interact with menus using any suitable user interface, such as a keyboard, pointing device, or voice actuated controller. Additionally, this section also discloses that the user terminal includes a suitable communications link and that one suitable method is to use modem communications between the user terminal and the totalisator thereby transferring the data necessary to execute the transaction via a network. For Network data transfer see also 8:35-46, 10:40-65 (individually addressable machines), 17:35-40 that the video and data distribution system may be based on any suitable conventional distribution technology, 18:43-50 states that the racing data may be a stand alone computer system, Columns

19 and 20 disclose various networks and that any data communication network may be used. Brenner provides that this methodology allows a user to have easy access to all types of wagering data (14:6-21). Brenner also clearly provides numerous displays that include probable payout information in table format for a first entrant in a first race and a second entrant in a second race (Fig. 12). Brenner also shows that the probable payout would be updated if a user choose a specific wager type (Fig. 19). Figures 1-50 in Brenner provide an accurate and clear picture of the race detail given to a user, the level of user interactivity with the race program, as well as the methods used to execute the remote race wagering system as claimed by Applicant. Brenner lacks in disclosing specific GUI and networking procedures. Instead Brenner discloses that there is a user interface associated with his invention, that the wagering data may be a stand alone computer system with adequate communication means as disclosed above. In an analogous invention to Cannon et al therein is disclosed the specific networking and GUI interfaces lacking in Brenner. Specifically, Columns 9-14 disclose the use of the Cannon system to support a real time race and wager system utilizing the internet and any communication means. Cannon disclose that the race book of sports book type wagering device may display real time video streams, hyper text or other information associated with a gaming event. To wager on the various gaming event a player may use a network server attached to the game machine to receive, request, and interact with gaming events sponsored by the casino with a graphical user interface having a java-based menu or form for selecting and wagering on a variety of gaming events (column 14). The graphical user interface can be a touch screen or a mouse (7:50-8:5,

13:35-45). Column 11:28-41 discloses picture in picture technology where one portion of the picture is the information to be used at the game machine with which the game is physically associated, while the other portion may be used to stream a video feed, for example, from a remote location such as a "sports Book" event. With respect to the use of Java based applets (executable programs in the java language) these are inherent to the use of this programming language and the use or form of such is disclosed in column 17. One would be motivated to look for other forms of communication means given the motivation provided in Brenner that any suitable communication means can be used. Therefore, it would be obvious to combine the teachings of Brenner with the networking and GUI aspects of Cannon in order to have a racing system that provides real time video with networked data utilizing a GUI where a plurality of information types may be presented to a used with a plurality of menu choices using a touch screen to select the menu choices.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dureau et al '544 is related to transmission of interactive data

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Hotaling II whose telephone number is (571) 272 4437. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272 3507. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3713

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 26, 2005

JOHN M. HOTALING, II
PRIMARY EXAMINER

